

## REQUEST FOR COUNCIL ACTION

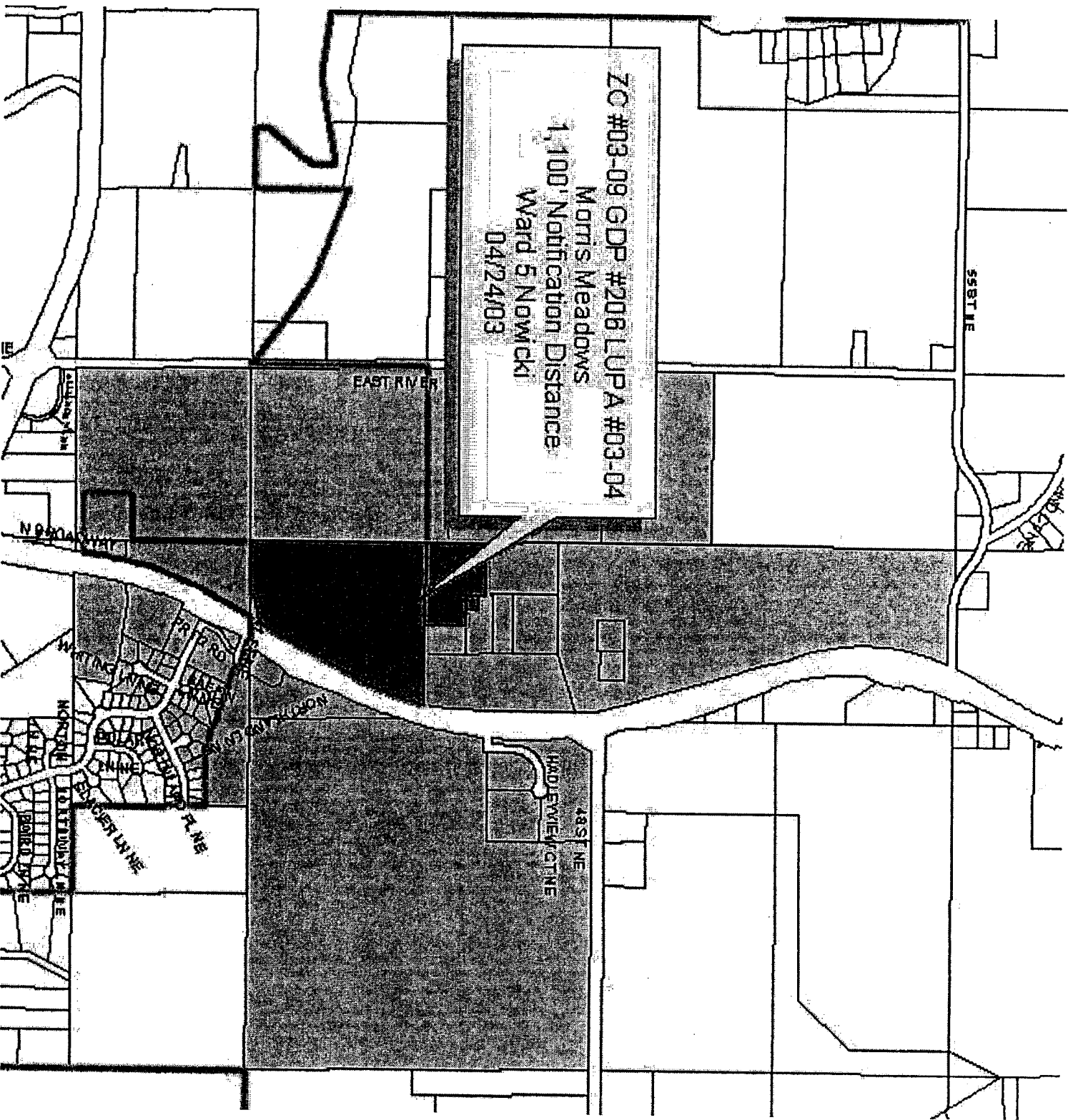
MEETING

DATE: 10-6-03

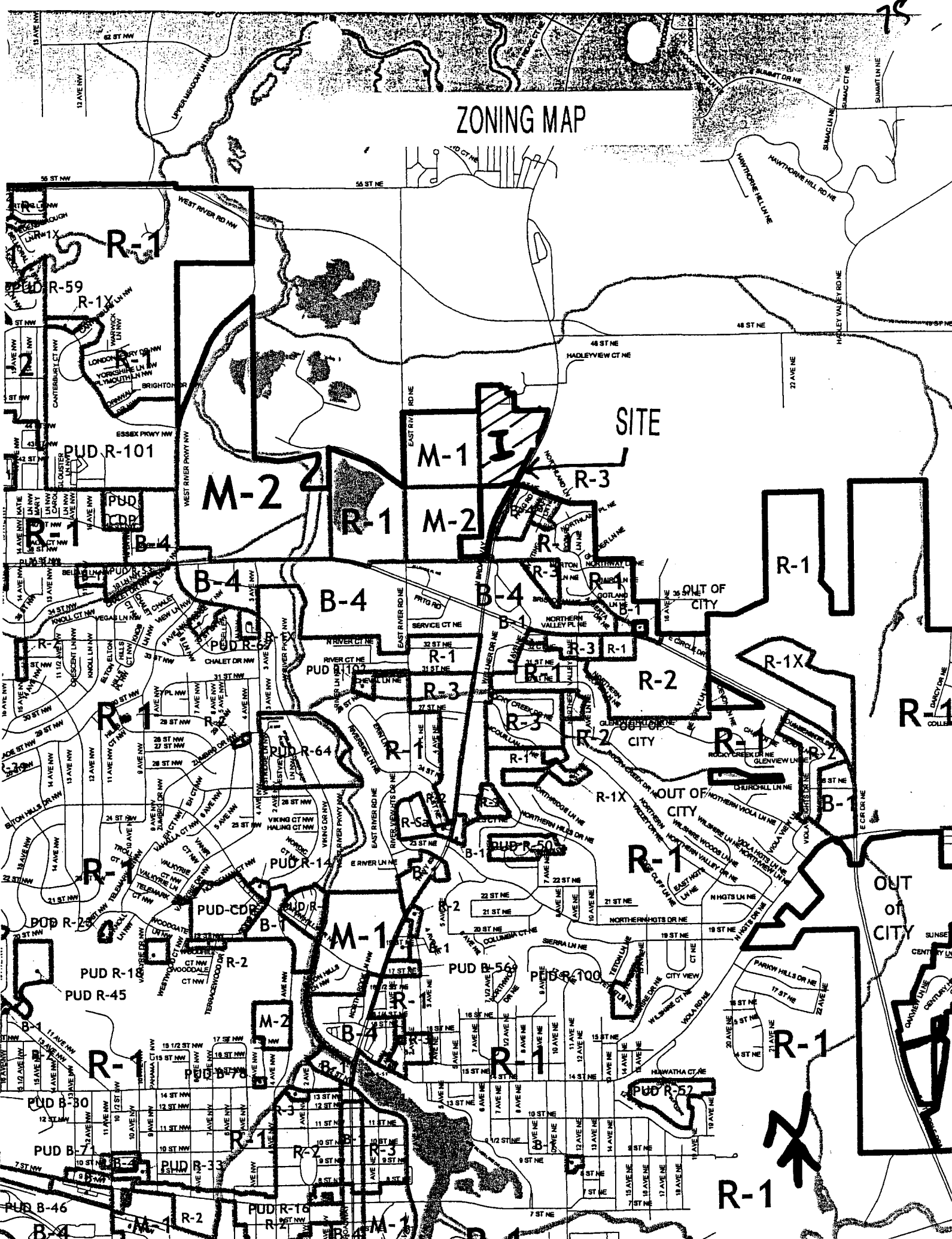
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<b>AGENDA SECTION:</b> PUBLIC HEARINGS – Continued Item	<b>ORIGINATING DEPT:</b> PLANNING	<b>ITEM NO.</b> E2
<b>ITEM DESCRIPTION:</b> Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to rezone approximately 33.48 acres from the I (Interim) to the M-1 (Mixed Commercial-Industrial) zoning district. The property is located along the west side of TH 63, east of East River Road NE and north of 41 <sup>st</sup> Street NE.		<b>PREPARED BY:</b> Brent Svenby, Planner
<p><b>NOTE:</b> See CPZC minutes from previous LUPA hearing September 26, 2003</p> <p>Note: The access issue with the GDP has been resolved.</p> <p><b><u>City Planning and Zoning Commission Recommendation:</u></b></p> <p>The City Planning and Zoning Commission held a public hearing on May 14, 2003 to consider this zone change. The Commission also reviewed a Land Use Plan Amendment and GDP for the property.</p> <p>The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended Approval, with staff suggested findings.</p> <p><b>Motion by Mr. Haeussinger, seconded by Mr. Quinn to recommend approval of Zoning District Amendment #03-09, with staff-recommended findings. Motion carried 8-0.</b></p> <p><b><u>Planning Staff Recommendation:</u></b></p> <p>See attached staff report dated May 8, 2003.</p>		
<p><b><u>Council Action Needed:</u></b></p> <p><b><i>The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.</i></b></p> <p><b><i>If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property</i></b></p>		
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"><li>1. Staff Report dated May 8, 2003</li><li>2. Minutes of the May 14, 2003 CPZC Meeting (attached to LUPA RCA)</li></ol> <p><b><u>Distribution:</u></b></p> <ol style="list-style-type: none"><li>1. City Clerk</li><li>2. City Administrator</li><li>3. City Attorney: Legal Description attached to LUPA</li><li>4. Planning Department File</li><li>5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, October 6, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.</li><li>6. Civil Engineering Services Co.</li></ol>		
<p><b>COUNCIL ACTION:</b></p> <p><b>Motion By:</b> _____ <b>Seconded By:</b> _____ <b>Action:</b> _____</p>		

NA



# ZONING MAP



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**ROCHESTER-OLMSTED PLANNING DEPARTMENT**

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

*Olmsted*

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**TO: City Planning and Zoning Commission**

**FROM: Brent Svenby, Planner**

**DATE: May 8, 2003**

**RE: Zoning District Amendment # 03-09 by Morris Memorial LLC and Allen Koenig to rezone approximately 33.48 acres from the I (Interim) district to the M-1 (Mixed Commercial-Industrial) District. The property is located along the west side of TH 63, east of East River Road NE and north of 41<sup>st</sup> Street NE.**

**Planning Department Review:**

**Property Owner/Petitioner:**

Morris Memorial LLC  
3775 Willow Ridge Drive SW  
Rochester, MN 55902

Allen Koenig  
PO Box 6122  
Rochester, MN 55903

**Consultant:**

Civil Engineering Services Co.  
Attn: Ken Boyer  
5300 Hwy 63 South  
Rochester, MN 55904

**Location of Property:**

The property is located along the west side of TH 63, east of East River Road NE and north of 41<sup>st</sup> Street NE.

**Requested Action:**

The applicant is requesting to zone approximately 33.48 acres of land to the M-1 Mixed Commercial-Industrial) district. This property was recently annexed into the City and upon annexation the City placed the property in the Interim zoning district.

**Existing Land Use:**

The majority of the property is currently undeveloped. Midwest Transportation is located on approximately 5 acres of the site.

**Proposed Land Use:**

The applicant has also filed a Land Use Plan amendment and a General Development Plan that are being considered concurrent with this application. The proposed GDP identifies the property eventually being developed with mixture of commercial and industrial uses.



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**Adjacent Land Use and Zoning:**

East: Across TH 63 is vacant land in Olmsted County which is zoned A-3 (Agricultural) on the Olmsted County Zoning Map. The property is designated for "low density residential" uses on the Land Use Plan.

South: The property to the south is in Olmsted County and is zoned I (Industrial) on the Olmsted County Zoning Map. The property is designated for "Industrial" uses on the Land Use Plan.

North: The property to the north is located in Olmsted County. This property is zoned Industrial and there is a number of different industrial uses found to the north. The property is designated for "low density residential" uses on the Land Use Plan.

West: The property to the west is vacant land in the City of Rochester and is zoned M-1 (Mixed Commercial – Industrial) on the City of Rochester Zoning Map. The property is designated for "industrial" uses on the Land Use Plan.

**Transportation Access:**

The plan proposes public roadways within the development. The plan also provides access to the properties located to the north and south. A conceptual roadway layout for the property to the west is shown on the GDP to show how the roadway pattern through the development will function. In 2001 the applicant submitted a GDP on the property to the west (adjacent to East River Road). The GDP identified the property as being developed as a manufactured home park. The applicant withdrew the application prior to the City Council taking action on the proposal.

See GDP report for more information on traffic.

**Wetlands:**

According to the Olmsted County Soil Survey, no hydric soils exist on the site.

**Neighborhood Meeting:**

A neighborhood meeting was held on September 10, 2002. A summary of the meeting is attached.

**Referral Comments:**

See GDP Report

**Report Attachments:**

1. Location Map
2. Area Zoning Map
3. Referral Comments – see GDP
4. Neighborhood Meeting Summary – see LUPA report

**Analysis for Zoning District Amendment:**

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Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
  - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
  - b) The area was originally zoned erroneously due to a technical or administrative error;
  - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
  - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

***The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. A Land Use Plan amendment is being considered concurrent with this application. If the Land Use Plan amendment from "low density residential" to "industrial" is approved, zoning 33.48 acres of land to M-1 (Mixed Commercial - Industrial) would be consistent with the "industrial" land use designation.***

***The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise. The properties to the north and south already have commercial and industrial uses established on them.***

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

***Uses within the M-1 Zoning District would be appropriate on the property and compatible with adjacent properties, the properties to the south, north and west are all used for industrial uses. According to the City of Rochester Zoning Ordinance, the M-1 zoning district provides an area for a mixture of commercial uses and industrial uses which do not generate significant adverse impacts.***

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

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*The amendment to the M-1 zoning district would be consistent with the Rochester Urban Service Area Land Use Plan, if the Land Use Plan Amendment which is being considered concurrently is approved, and would not be considered spot zoning.*

**Staff Recommendation:**

Based on the above findings, it would appear that the zoning district amendment to M-1 would meet the above criteria. Staff recommends that the request to zone the property from the I (Interim) district to the M-1 (Mixed Commercial – Industrial district be approved, based on the above suggested findings.

